

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION :

- v - :

VITESSE SEMICONDUCTOR CORPORATION, :
LOUIS R. TOMASETTA, EUGENE F. HOVANEC, :
YATIN D. MODY, and NICOLE R. KAPLAN, :

10 Civ. 9239 (JSR)

Defendants.

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NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the United States of America, by and through the United States Attorney for the Southern District of New York, will move the Court, before the Honorable Jed S. Rakoff, United States District Judge, on April 29, 2011, at 11:45 a.m., in the United States Courthouse, Courtroom 14-B, 500 Pearl Street, New York, New York for an Order:

1. Allowing the United States to intervene in this action pursuant to Rules 24(a) and (b) of the Federal Rules of Civil Procedure;
2. Staying the trial of this action until after the trial of *United States v. Louis Tomasetta and Eugene Hovance*, 10 Cr. 1205 (PAC), which is scheduled to commence on January 9, 2012;
3. Staying the depositions of Louis Tomasetta, Eugene Hovanec, Yatin Mody, and Nicole Kaplan; and


4. Granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York
April 20, 2011

Respectfully submitted,

PREET BHARARA
United States Attorney
Southern District of New York
Attorney for the United States
of America

By:


John J. O'Donnell
Pablo Quiñones
Assistant United States Attorneys
Telephone: (212) 637-2490/2487

AFFIRMATION OF SERVICE

I, John J. O'Donnell, affirm under penalty of perjury as follows:

1. I am an Assistant United States Attorney in the Southern District of New York.

2. On April 20, 2011, I caused a copy of the foregoing Notice of Motion to be filed and served via the Court's ECF system to the following:

Dan Marmalefsky, Esq. Lawrence Gerschwer, Esq. Morrison & Foerster 555 West Fifth Street, Suite 3500 Los Angeles, CA 90013-1024 T: (213) 892-5809	Gary Lincenberg, Esq. Peter J. Shakow, Esq. Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg 1875 Century Park East, 23rd Floor Los Angeles, CA 90067-2561 T: (310) 201-2100
Terence M. Healy, Esq. Dean M. Conway, Esq. Jan Folena, Esq. United States Securities and Exchange Commission 100 F. Street N.E. Washington, DC 20549 T: (202) 551-4640	

Dated: New York, New York
April 20, 2011


JOHN J. O'DONNELL
Assistant United States Attorney
(212) 637-2490